



2026:CGHC:3857

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 10365 of 2025**

1 - Avinash Kumar Gendle @ Chainu S/o Dhanesh Kumar, Aged About 28 Years, R/o Village - Mini Basti, Jarhabhatha, Police Station - Civil Line, District - Bilaspur (C.G.).

... Applicant**versus**

1 - State Of Chhattisgarh Through Station House Officer, Police Station - Civil Line, District - Bilaspur (C.G.).

... Respondent

For Applicant	: Mr. Rajeev Kumar Dubey, Advocate.
For Respondent/State	: Ms. Laxmeen Kashyap, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****22/01/2026**

1. The accused/applicant has moved this **first** bail application under Section 483 of BNSS, 2023, for releasing him on regular bail during trial in connection with Crime No. 921/2024 registered at Police Station – Civil Line, District –Bilaspur (C.G.) for the offence punishable under Sections 64(2)(f), 65(2) of BNS and Section 5(m)/6, 5(n)/6 of POCSO Act, 2012.
2. The case of the prosecution, in short, is that the complainant/mother of the victim lodged a complaint at Police Station Civil Line, Bilaspur alleging that on 22.09.2024, the

present applicant was trying to commit aggravated penetrative sexual assault with the prosecutrix aged about 06 years 08 months 18 days. Based on complaint of the victim's mother, the present applicant was arrested and the aforesaid offence was registered against him.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submits that the mother of the victim has been examined and she has not stated anything against the present applicant. The applicant has no criminal antecedents and has been in jail since 26.09.2024, there is no likelihood of his case being decided in the near future, therefore, the present applicant may be released on bail.
4. On the other hand, learned State counsel opposed the bail application, submitting that out of total 16 witnesses, only 02 have been examined till date and several important witnesses remain to be examined, therefore, at this stage, the applicant may not be released on bail.
5. Despite service of notice, the victim is not appeared before this Court today.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the entire facts and circumstances of the case, the nature and gravity of the offence and particularly looking to the material available on record and the evidence against the applicant, further considering the fact that out of 16 witnesses, only 02 have been examined till date, and and some important

witnesses are still remaining for examination, at this stage, I am not inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 483 of BNSS, 2023 is **rejected**.
9. However, considering the fact that the applicant is in jail since 26.09.2024 about 01 years 03 months and 27 days. It is an exceptional case, therefore, concerned trial Court is directed to expedite the trial as early as possible preferably within a period of 04 months.
10. Office is directed to sent a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Sourabh P.